

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X
William Holmes

Plaintiff,

DOCKET #

ACTION TO QUIET TITLE
ON PROPERTY IN THIS ACTION
AND FOR INJUNCTIVE RELIEF &
OTHER RELIEF

CALIBER HOME LOANS, INC.
EDWARD C. KLIEN, ESQ
COHN & ROTH
LESLIE A. BAUM
THEODORE SCHROEDER
JAMES V. BRANDS
LARRY SPANGLER
JOHN/JANE DOES

Defendants.

16 CV 03344

PROPERTY:
7 BRIAN ROAD
WAPPINGER FALLS, NY 12590
BLOCK: 02 LOT: 962852
WESTCHESTER COUNTY, NY

Dutchess County

CIVIL COMPLAINT

PRELIMINARY STATEMENT

JUDGE KARAS

(Unconstitutional theft of proprietary interest in plaintiff's property under color of law; violation of established Constitutional principles of law GOVERNING THE PAYMENT OF ALL DEBT AT LAW; violation of established United States Congressional Laws GOVERNING THE DISCHARGE OF PROMISSORY NOTES, MORTGAGES, AND BONDS HELD BY A FEDERALLY CHARTERED DEPOSITORY INSTITUTION since 1934 by CALIBER HOME LOANS, INC., EDWARD C. KLIEN, COHN & ROTH, LESLIE A. BAUM, THEODORE SCHRODER, JAMES V. BRANDS, LARRY SPANGLER, under color of Authority TO ENRICH THEMSELVES AND VIOLENTLY DEPRIVE PLAINTIFF TITLE AND PEACEFUL ENJOYMENT OF HIS PRIVATE

PROPERTY; unlawful, unconscionable and violent termination of plaintiff's property rights and interests in the property in this action; contumacious refusal by defendant LESLIE A. BAUM to obey the settled monetary Laws of the United States as established by the United States Congress in their lawful authority AND

CAPACITY)

1. Plaintiff repeats and realleges foregoing paragraph one
2. This is an action for injunctive and declaratory relief under 42 U.S.C 1982, AND ARTICLE 15 OF NEW YORK STATE REAL PROPERTY LAW seeking an order and award of punitive damages AND TO QUIET TITLE against THE NAMED DEFENDANTS, *TO WIT*, CALIBER HOME LOANS, INC., EDWARD C. KLIEN, COHN & ROTH, LESLIE A. BAUM, THEODORE SCHRODER, JAMES V. BRANDS, LARRY SPANGLER FOR JOINING TOGETHER TO violently terminate plaintiff's de jure property rights protected in the original United States Constitution UNDER COLOR OF LAW AND AUTHORITY WITHOUT DUE PROCESS, contumacious BAD FAITH DEALING, AND continuing INTENTIONAL VIOLATION OF ESTBALISHED FEDERAL LAWS AND PRECEDENTS FOUND AT PUBLIC LAW : CHAP. 48, 48 STAT. 112, 12 USC 95A(2), 18 U.S.C. 8, SEC 8, UCC 3-104, 3-106, 3-603 (a)(b)(c), 12 U.S.C. 411, Norman v. Baltimore & Ohio Railroad Co., 294 U.S. 240 (1935).

3. Plaintiff respectfully alleges that the said arbitrary dispossession of plaintiff's property rights by DEFENDANTS CALIBER HOME LOANS, INC., EDWARD C. KLIEN, COHN & ROTH, LESLIE A. BAUM, THEODORE SCHRODER, JAMES V. BRANDS, LARRY SPANGLER remains continuous, unconscionable causing continuing and immediate irreparable damages against him and denying him his guaranteed substantive due process right to the peaceful enjoyment of his private property and as such they must be enjoined and their actions declared null and void by this court in conformity with public policy and preservation of status quo.

JURY DEMAND

4. Plaintiff demands a trial by Jury for each and every one of his claims pursuant to Federal Rules of Civil Proceedings 38(a) and (b).

FACTUAL ALLEGATIONS

5. The Property ("Property") in this complaint is located at 7 Brian Rd, in Wappingers Falls, ~~Westchester~~ County, State of New York, the legal ~~Dutchess~~ description of which is: 7 Brian Rd, Wappingers Falls, NY 12590, identified as BLOCK: 02, LOT: 962852, in ~~Westchester~~ County, State of ~~Dutchess~~ New York.

6. Plaintiff retains and has unalienable ownership and proprietary interests in the said property identified in paragraph 5 above.
7. Plaintiff's ownership interest is derived from a properly executed DEED recorded on FILE at the WESTCHESTER COUNTY CLERK'S OFFICE [Copy of said DEED is attached herein as exhibit A]
8. On or about the year 2015, plaintiff became aware of a certain civil action that pretended to be a foreclosure complaint FILED BY DEFENDANTS, DEFENDANTS CALIBER HOME LOANS, INC., EDWARD C. KLIEN, COHN & ROTH, LESLIE A. BAUM, THEODORE SCHRODER in which THE defendants alleged that he owed the sum of \$276,346.54, TO DEFENDANT CALIBER HOME LOANS INC., but refusing to truthfully assert the true nature of the alleged "debt" including, but not limited to, whether it was created pursuant to the DEBIT/CREDIT accounting principles found in Generally Accepted Accounting Principles (GAAP), which the BANK WAS MANDATED TO FOLLOW.
9. Without prejudice, ill will or admission of wrong doing bearing in mind that THE CLAIMS BY DEFENDANTS WERE ARBITRARY, and fictitious but potentially violent in its character, plaintiff ISSUED A TENDER OF PAYMENT on or about 6/7/ 2015, to THE ORDER OF

CALIBER HOME LOANS INC, WITHOUT RE COURSE AS HE
SHOULD pursuant to settled principles of law in existence since 1934
which must settle and discharge the alleged claims.

10. BUT, rather than follow the law, defendants IN PURE BAD FAITH
AND MALICE, retained the TENDER PAYMENT, NEVER
REJECTED, but then continued the malicious foreclosure process for
which they knew they lacked ARTICLE 3 PRUDENTIAL STANDING
TO BRING TO A STATE COURT FOR FALSE REMEDIES.
11. THE SAIDE DEFENDANTS JOINED WITH EACH OTHER TO
assiduously and unlawfully AUCTION plaintiff's private property
with the intention to unlawfully enrich themselves and each other.
12. **The said defendants, CALIBER HOME LOANS, INC., EDWARD C.**
KLIEN, COHN & ROTH, LESLIE A. BAUM, THEODORE
SCHRODER, JAMES V. BRANDS, LARRY SPANGLER have
REFUSED to issue a release surrendering the dubious LIEN THEY
HAVE PLACED ON THE PROPERTY IN THIS ACTION
THEREBY CLOUDING its title and irreparably damaging
plaintiff
13. **DISCLAIMER:** The plaintiff respectfully asserts to this Honorable
Court that in outlining the narrative in this action, he does not intend and

neither is he implying in any manner or fashion that he is asking this Court to review the conclusions of any other STATE court found in NEW YORK STATE regarding the causes of action herein, therefore any such allegations will constitute unclean hands and bad faith dealing and must be rejected out rightly.

14. DEFENDANTS, CALIBER HOME LOANS, INC., EDWARD C. KLIEN, COHN & ROTH, LESLIE A. BAUM, THEODORE SCHRODER, JAMES V. BRANDS, LARRY SPANGLER HAVE
JOINED TOGETHER TO AGREE AND ASSERT THAT THAT
THE FOLLOWING UNITED STATES LAWS AND US SUPREME
COURT PRECEDENTS, TO WIT, PUBLIC LAW : CHAP. 48, 48
STAT. 112, 12 USC 95A(2), 18 U.S.C. 8, SEC 8, UCC 3-104, 3-106,
3-603 (a)(b)(c), 12 U.S.C. 411, AND THE UNITED STATES
SUPREME COURT PRECEDENT FOUND AT, *Norman v.*
***Baltimore & Ohio Railroad Co., 294 U.S. 240 (1935)*, ARE FALSE**
AND DO NOT EXIST AND NEVER ENACTED BY THE U.S.
CONGRESS or decided by The U.S. SUPREME COURT.

Claim for Relief

15. Plaintiff incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

16. Wherefore said defendants acted willfully, unlawfully and illegally and therefore violated Federal Statutes at 42 U.S.C 1982 and New York State Law at Real Property Actions and Proceeding Law ("RPAPL") §853, by acting in unison to ignore and repudiate THE LAWS OF THE UNITED STATES OF AMERICA claiming THEY DO NOT EXIST, and sufficient in effect to cause an injunctive, declaratory, and punitive relief voiding any and all claims they have illegally and unlawfully retained in the property in this action, in other to bring partial relief to the incalculable losses suffered by plaintiff, including but not limited to emotional stress, continuing anxiety and economic uncertainty.
17. Plaintiff respectfully requests that the court declare that the defendants' actions constituted violent SELF-HELP illegal eviction, invasion, unbridled destruction of private property, which appear to be unconscionable and malicious in nature and therefore violative of both Federal and State Laws.
18. Plaintiff seeks monetary damages of ten million dollars (**\$10 million dollars**) as compensatory damages against all named defendants herein.
19. Plaintiff respectfully requests the court to declare that **ALL NAMED DEFENDANTS DO NOT RETAIN ANY INTERESTS**,

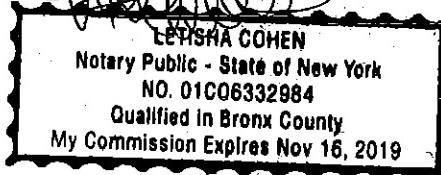
**CLAIMS, TITLES or emoluments in the property in this action and
as such plaintiff has an unalienable right to remain in peaceful
occupation of the property.**

20. Plaintiffs pray this court to award such other relief including reasonable court costs as it may deem proper.

DATED: May 2, 2016
Wappingers Falls, New York

By:

William Holmes, All Rights Reserved
7 BRIAN RD, WAPPINGERS FALLS,
NY 12590



NOTARY VERIFICATION

On this day, May 4 2016 personally came before me William Holmes who proved his identity to me to my satisfaction and acknowledged his signature in my presence under the complete authority and Trust in his private Sacred Religious Convictions only, and held harmless at all times.

Declarant

By:

William Holmes, All Rights Reserved
7 BRIAN RD, WAPPINGERS FALLS,
NY 12590

BEFORE ME, William S. Holmes Se.

NEW YORK NOTARY PUBLIC



MY COMMISSION EXPIRES ON 11/16/19

TO DEFENDANTS:

LARRY SPANGLER
CHIEF FINANCIAL OFFICER,
CALIBER HOME LOANS, INC.
C/O
13801 WIRELESS WAY
OKLAHOMA CITY, OKLAHOMA 73134

CALIBER HOME LOANS INC
3701 REGENT BLVD
STE 200
IRVING, TX 75063

LESLIE A. BAUM
COURT APPOINTED REFEREE
PO BOX 706
WALDEN, NY 12586

EDWARD C. KLIEN, ESQ
COHN & ROTH
100 EAST OLD COUNTRY ROAD
MINEOLA, NY 11501

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

William Holmes

DOCKET #

NOTICE OF PENDENCY

Plaintiff,

CALIBER HOME LOANS, INC.
EDWARD C. KLIEN, ESQ
COHN & ROTH
LESLIE A. BAUM
THEODORE SCHROEDER
JAMES V. BRANDS
LARRY SPANGLER
JOHN/JANE DOES

Defendants.

PROPERTY:
7 BRIAN ROAD
WAPPINGER FALLS, NY 12590
BLOCK: 02 LOT: 962852
WESTCHESTER COUNTY, NY
Dutchess

X

Notice is hereby given that an action has been commenced and is now pending in this court, upon the complaint of the above-named Plaintiff, **William Holmes**, against the above-named defendants: CALIBER HOME LOANS, INC., EDWARD C. KLIEN, COHN & ROTH, LESLIE A. BAUM, THEODORE SCHRODER, JAMES V. BRANDS, LARRY SPANGLER, JOHN/JANE DOES *from one to infinity, such entities or persons being unknown at this time to plaintiff but who may have legal claims against property capable of clouding title.*

The object of the action is to obtain judgment against defendants quieting title to the property in this action, to wit, at 7 Brian Rd, in Wappingers Falls, ~~Westchester County~~, ~~Dutchess~~

State of New York, and returning plaintiff to a peaceful enjoyment of his lawful private property.

The real property affected by said action is described as follows: The Property ("Property") in this complaint is located at 7 Brian Rd, Wappingers Falls, NY 12590, identified as BLOCK: 02, LOT: 962852, in ~~Westchester~~ County, State of New York.
Dutchess

DATED: May 2, 2016
Wappingers Falls, New York

By:

William Holmes, All Rights Reserved
7 BRIAN RD, WAPPINGERS FALLS,
NY 12590



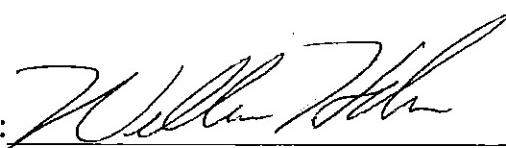
TO THE CLERK OF THE COUNTY OF WESTCHESTER:

You are hereby directed to index the within notice to the names of each of the following plaintiffs and defendants: Plaintiff, **William Holmes**, against the above-named defendants: **CALIBER HOME LOANS, INC., EDWARD C. KLIEN, COHN & ROTH, LESLIE A. BAUM, THEODORE SCHRODER, JAMES V. BRANDS, LARRY SPANGLER, JOHN/JANE DOES from one to infinity, such entities or persons being unknown at this time to plaintiff but who may have legal claims against property capable of clouding title.**

The number of each block on the land map of King's County which is affected by this notice is hereby designated as follows: BLOCK: 02, LOT: 962852, in ~~Westchester County, Dutchess~~ State of New York.

DATED: May 2, 2016
Wappingers Falls, New York

By:


William Holmes, All Rights Reserved
7 BRIAN RD, WAPPINGERS FALLS,
NY 12590



Exhibit

A

Schedule A Description

Title Number HN 38384

Page 1

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Poughkeepsie, County of Dutchess and State of New York, being designated as Lot No. 8, Block D, on a certain map entitled, "Revised Map of Sharon Heights, Town of Poughkeepsie, Dutchess County, NY" made by M. Chazen, P. E. and L. S., filed July 6, 1956 in the Office of the Dutchess County Clerk as Filed Map No. 2691, being bounded and described as follows:

BEGINNING at a point in the Northerly Line of Brian Road, which point of beginning is at the Southeast corner of said Lot No. 7, Block D, and the Southwest corner of Lot No. 6, Block D;

THENCE from said point of beginning Westerly along the Northerly line of Brian Road, on a curve having a radius of 550 feet, a distance of 87.12 feet to a point;

THENCE continuing Westerly along the Northerly line of Brian Road, South 81 degrees 59 minutes 50 seconds 14.20 feet to a point;

THENCE, North 08 degrees 00 minutes 10 seconds West, 60.00 feet to a point;

THENCE North 00 degrees 31 minutes 20 seconds West, 109.08 feet to a point;

THENCE South 85 degrees 16 minutes 50 seconds West, 113.50 feet to a point;

THENCE South 01 degrees 04 minutes 20 seconds West, 151.94 feet to a point in the North line of Brian Road, the point or place of BEGINNING.

Premises known as 7 Brian Road, Wappingers Falls, New York